

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)
) BANKRUPTCY NO. 22-20823-GLT
U LOCK, INC.)
 Debtor) CHAPTER 7
*****)
ROBERT H. SLOWE, TRUSTEE) DOCUMENT NO.
 Movant)
)
 vs.)
)
CHRISTINE BIROS, GEORGE SNYDER, SHANNI)
SNYDER, FRED BANKS, RENEE BASISTA,)
DAVID PERLA, DENNY DULL, JOHN DULL,)
GLENN MOWRY, INW, JAR COAL COMPANY,) HEARING DATE: 12/1/2022@ 10:00 AM
JAMES CLAWSON, GARY CHERIPKA,) COURTROOM A—PITTSBURGH
JEFFREY SHAW, JENNIFER VERRICO, MARK MYKA,)
PA TURNPIKE TOLL BY PLATE, RSS, R.J. ABREU,)
PETERS PAINTING, R. WOODALL,)
SARA STUMME, RICOBERTO NEGRETE GALENO,)
SHARON McCANCE, SHELLY CHABANDE,)
BEN SHABANDE, STEPHEN CHAPAS, TERRY NOLL,)
TONY DAVIS, UNITED STEELWORKERS,)
WEST PENN POWER, WESTMORELAND COUNTY)
TAX CLAIM BUREAU, DANIELS & MILLER INC.,)
MICHAEL BROTHERS, MON VALLEY RECYCLING,)
WESTMORELAND IRON & METAL,)
COMMONWEALTH OF PENNSYLVANIA)
DEPARTMENT OF ENVIRONMENTAL)
PROTECTION, WESTMORELAND COUNTY,)
U.S. ENVIRONMENTAL PROTECTION AGENCY,)
NORTH HUNTINGDON TOWNSHIP,)
U.S. ATTORNEY—WESTERN DISTRICT OF PA,)
ATTORNEY GENERAL FOR COMMONWEALTH)
OF PENNSYLVANIA,)
)
RESPONDENTS)

TRUSTEE'S AMENDED MOTION FOR SALE OF TANGIBLE AND
INTANGIBLE PERSONAL PROPERTY OF THE ESTATE UNDER 11 U.S.C. SECTION 363(f)
FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES

AND NOW, comes the Trustee, Robert H. Sloane, by and through his attorneys, Mahady & Mahady—Robert H. Sloane, Esquire, and brings forth the within Amended Motion for Sale of Tangible and

Intangible Personal Property of the Estate Under 11 U.S.C. Section 363(f) Free and Clear of all Liens, Claims and Encumbrances, stating as follows:

1. The case of the Debtor, U Lock, Inc. ("U Lock"), was commenced by the filing of an involuntary petition for relief under Chapter 7 of Title 11 of the United States Code at the above number on April 27, 2022.
2. This court has jurisdiction over this Motion pursuant to 28 U.S.C. § 171(a), (b) and (c). Venue is proper in this district pursuant to 28 U.S.C. § 1473(a).
3. Robert H. Slone is the duly appointed Chapter 7 Trustee for the Debtor and is so acting.
4. All assets are to be sold on an "AS IS, WHERE IS" basis with no representation or warranties of any kind.
5. The tangible assets of the estate to be sold (hereinafter "Tangible Property") are the Debtor's interest in the following property subject to claims of ownership by other individuals, as follows:
 - a. Personal property of the estate listed on Schedules A/B (Exhibit "A");
 - b. Additional assets acknowledged by George Snyder to be estate assets (Exhibit "B");
 - c. "Catch All", as follows
 - i. Any and all other tangible property of the Debtor, Debtor's estate, and/or Trustee's right, title and interest in said tangible personal property located at 14140 Route 30, North Huntingdon, PA, except if excluded by bidder(s).
 - ii. Any interest of the Debtor, Debtor's estate, and/or the Trustee in eight (8) land/sea containers which were located on the Real Property at the time of the sale of the Real Property by the Schur Estates as shown in the aerial site photograph taken in 2014, a copy of which is attached as Exhibit "C".
 - iii. Any interest of the Debtor, Debtor's estate, and/or the Trustee in the truck trailers shown in various locations as shown in the aerial site photograph taken in 2014 (Exhibit "C").
6. The intangible assets of the Debtor to be sold (hereinafter "Intangible Property") include:
 - a. All rights, claims, demands, actions, causes of actions, and/or claims for relief including those under Chapter 5 of the Bankruptcy Code that may be asserted by the Trustee, the estate, or U Lock, Inc., with the exceptions of cash held by the Trustee and the estate's possible claim against George Snyder for actions under Sections 546 and 547 of the Bankruptcy Code;
 - b. All unpaid rents owed to U Lock, Inc.; and
 - c. All intellectual property of U Lock, Inc.

7. The Trustee has received a bid from Christine Biros to purchase the Tangible Property and Intangible Property deemed to be a qualified bid, as follows:
 - a. Cash consideration of \$31,000.00, inclusive of a \$4,000.00 deposit previously paid to the Trustee;
 - b. Waiver of up to \$10,000.00 of any administrative claim Christine Biros may claim against the bankruptcy estate for rent, use and occupancy of the Real Property;
 - c. Assumption of remediation obligations consisting of all "obligations and liabilities imposed by any regulatory authority or political subdivision to engage in any environmental remediation of the Real Property, whether that remediation is ultimately determined to be the responsibility of the owner or party in possession of the real property pursuant to the estate's disputed claim of possession to the Real Property. Biros shall post a bond or other equivalent financial security in the amount of \$100,000.00 within ten (10) days of entry of a sale order;
 - d. Waiver of any additional claims for environmental remediation that Christine Biros may have against the estate; and
 - e. Sale to close within ten (10) days of entry of the Order confirming sale.
8. The Trustee avers that the best interest of this estate and its creditors will be served by this Court authorizing the sale of the Tangible Property and Intangible Property because it will net funds to the Trustee toward the payment of creditors.
9. The Trustee invites interested parties to offer competing bids that surpass the initial bid of Christine Biros and provides for a closing on or before the earlier of ten (10) days of entry of the order approving the sale or December 16, 2022.
10. The Bidding Procedures detailed in Paragraph 5 of the Order of Court filed at Document No. 213 on November 15, 2022 are attached hereto and made a part hereof as Exhibit "D".
11. Parties deemed to be bona fide potential bidders for the assets (as reasonably determined by the trustee) shall have the ability to conduct on-site due diligence on November 21, 2022 from 9:00 a.m. to noon at 14140 Route 30, North Huntingdon, PA 15642, or such other time prior to November 29, 2022 as the Trustee may reasonably agree.
12. The Trustee shall make available upon request any environmental assessment or analysis that he has in his possession regarding the May 23, 2022, "garbage fire" occurring on the Real Property and any related aftermath.
13. An earnest money deposit of \$4,000.00 by cashier's or certified check (made payable to the trustee and to be held by trustee's counsel pending further Court Order) or wire transfer of

immediately available funds is required as per the Bidding Procedures (Exhibit "D") and must be submitted to the trustee no later than 4:00 p.m. on November 29, 2022.

14. The closing by the successful bidder of the purchased assets must be made in immediately available funds on or before the earlier of (a) ten (10) days of entry of the order approving the sale or (b) December 16, 2022.

15. The successful bidder shall remove the acquired assets within 30 days of entry of an order approving the sale.

16. The Trustee recommends that he be authorized to consummate the sale of the Personal Property.

to the buyer or to such other person or entity as may make a higher offer at the hearing thereon.

WHEREFORE, the Trustee respectfully request this Honorable Court to authorize the sale of the Tangible Property and Intangible Property as listed in the within motion. A hearing is to be held in this Court with the sale being confirmed to the highest and best offer.

Respectfully submitted,

Date: November 17, 2022

/S/ROBERT H. SLONE
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